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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA,) Case No. 2:18-mj-292-CWH
10 Plaintiff,)
11 vs.) Stipulation to Continue the Preliminary
12 LUIS ANGEL VICENTE MARTIN) Hearing (*Second Request*)
13 GUDIEL,)
14 Defendant.)

15 IT IS HEREBY STIPULATED AND AGREED, by and between
16 DAYLE ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant
17 United States Attorney, counsel for the United States of America, and BRENDA
18 WEKSLER, counsel for Defendant LUIS ANGEL VICENTE MARTIN GUDIEL,
19 that the preliminary hearing date in the above-captioned matter, currently
20 scheduled for April 23, 2018, at 4:00 pm, be vacated to a date and time convenient
21 to this Honorable Court but in any event no sooner than 10 days.

22 This stipulation is entered into for the following reasons:

23 1. The Government is intending to indict this case but was unable to
24 secure grand jury time prior to the currently scheduled preliminary hearing.

2. The parties agree to the continuance.

3. Defendant GUDIEL is incarcerated, but does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow the Government time to indict the case before the grand jury obviating the need for a preliminary hearing.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the second request for a continuation of the preliminary hearing.

DATED this 19th day of April, 2018.

Respectfully submitted,
DAYLE ELIESON
United States Attorney

//s//
BRENDA WEKSLER, ESQ.
Counsel for Defendant

//s//
ELHAM ROOHANI
Assistant United States Attorney

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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 **-oOo-**

7 UNITED STATES OF AMERICA,

2:18-mj-292-CWH

8 Plaintiff,

ORDER

9 vs.

10 LUIS ANGEL VICENTE MARTIN
GUDIEL,

11 Defendant.

12
13 **ORDER**

14 Based on the pending Stipulation of counsel, and good cause appearing
15 therefore, the Court finds that:

16 1. The Government is intending to indict this case but was unable to
17 secure grand jury time prior to the currently scheduled preliminary hearing.

18 2. The parties agree to the continuance.

19 3. Defendant GUDIEL is incarcerated, but does not object to the
20 continuance.

21 4. Additionally, denial of this request for continuance could result in a
22 miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow the Government time to indict the case before the grand jury obviating the need for a preliminary hearing.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the second request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

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ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for April 23, 2018, at the hour of 4:00 pm, be vacated and continued to May 10, 2018 at the hour of 4:00 p.m.

DATED April 19, 2018

THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE